THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION NO.26896 of 2005

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Dated: 16.12.2005

Between:

C. Sankaraiah, S/o. Nellakantaiah,
Sri Neelkanteswara Swamy Temple,

Adopted Temple Of Srikalasheeswara Swamy
Vari Devasthanam, Srikalahasthi, Chittoor District.

..... PETITIONER

AND

The Government of A.P, Rep.by its Secretary,
Department of Revenue, (Endowments),
Secretariat Buildings, Hyderabad and others.

.....RESPONDENTS

ORDER:

The petitioner was engaged as a night watchman in the year 2003, on a fixed monthly remuneration of Rs.1,000/- for a period of 11 months, in Sri Neelakanteswara Swamy Temple, Urandur, which is attached to
Sri Kalahastheeswara swamy Devasthanam, Srikalahasthi, third respondent herein. This engagement was on the basis of the permission accorded by the Commissioner of Endowments on 01.05.2003. The third respondent submitted a proposal through letter dated 01.11.2004 to the then Commissioner for continuance

of the post as well as the petitioner against it. The then Commissioner accorded permission through his proceedings dated 07.05.2005.

In exercise of its power under Section 93 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act 1987 (for short “the Act”), the first respondent, through G.O.Ms.No.1422 Revenue (Endowments.I) Department, dated 25.07.2005, cancelled all the orders that were passed during the tenure of the then Commissioner of Endowments. The case of the petitioner is covered by the said G.O. The petitioner challenges the order of the Government on several grounds.

Heard the learned counsel for the petitioner, learned Government Pleader for Endowments and learned Standing Counsel for the third respondent.

A batch of writ petitions were filed challenging the orders in G.O.Ms.No. 1422, dated 25.07.2005. The said writ petitions were disposed of directing the Government to issue notices to the affected parties, pointing out the nature of irregularity alleged against them. In large number of cases, such a procedure has since been adopted and fresh orders were also passed.

In the instant case, the petitioner need not be required to undergo the same procedure. The reason is that his initial engagement was on the basis of the permission accorded by the Commissioner of Endowments, way back in the year 2003. The illegality, if any, which can be said to have taken place during the tenure of the Commissioner, who functioned upto May, 2005, is that he accorded permission for continuance of the post as well as the petitioner. Even if such permission can be said to be vitiated in any manner, the third respondent has any way to seek such permission once again, since the petitioner was continuing much earlier from 2003 onwards.

Hence, the writ petition is disposed of directing the third respondent to submit proposals for continuance of the petitioner, if he is of the view that the services of the petitioner are needed. In case such proposals are submitted to the second respondent, he shall pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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16.12.2005

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